

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

v.

ALOHA ROOFING, INC.,

Respondent.

CASE NO. OSH 2007-13

ORDER NO. 249

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board ("Board") on July 11, 2007, and attended by J. Gerard Lam, Deputy Attorney General, for Complainant, and John Fierro, Project Coordinator and Manager, for Respondent, IT IS HEREBY ORDERED THAT:

1. Respondent was cited for violating 29 CFR 1926.501(b)(10) because "[f]ive workers were observed on a 4/12 pitch rooftop 22' above the lower level without fall protection systems in place, thus placing them at risk for a potential fall."

The issues to be determined at trial are as follows:

- A. Whether the characterization of the violation as "Repeat" is appropriate, and, if not, what is the appropriate characterization; and
 - B. Whether the penalty amount of \$6,000.00 is appropriate, and, if not, what is the appropriate amount for the penalty.
2. The deadline for the parties' final naming of witnesses is **August 20, 2007**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with the witnesses' addresses and brief summary of expected subject of their testimony, to the other party and to the Board by this date.
 3. The discovery cutoff date is **September 10, 2007**. All other discovery and information requests, including depositions and document requests, must be completed by this date.

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4. Trial in this matter is scheduled for **October 16, 2007, at 9:30 a.m.**, or as soon thereafter as this case can be heard, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, July 11, 2007.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General
John Fierro, Manager